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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Date: October 1, 2004

RANDALL J. HUEBNER and STEVEN P. HORST

Serial No.

10/716,719

Examiner David A. Bonderer

Filed

November 19, 2003

Group Art Unit 3732

For

ADJUSTABLE BONE PLATES

Mail Stop AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Sir:

<u>INFORMATION DISCLOSURE STATEMENT</u> <u>UNDER 37 C.F.R. §§ 1.56, 1.97, and 1.98</u>

Applicants are submitting this Information Disclosure Statement pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98 to disclose to the U.S. Patent and Trademark Office the patents, publications, applications, and/or other references listed on the enclosed, completed PTO-1449 form(s). The filing of this Information Disclosure Statement should not be construed as a representation that a search has been made or as an admission that the listed references are prior art for this application. Applicants respectfully request that the listed references be expressly considered during prosecution of the application, and that the references be made of record therein and appear among the "references cited" on any patents issuing therefrom.

CONTENT OF DISCLOSURE

This Information Disclosure Statement includes (1) 19 pages of PTO-1449 forms, and (2) a legible copy of each foreign and non-patent reference, if any, listed on the form(s). However, because this application was filed on or after July 1, 2003, no copies of U.S. patents or published U.S. patent applications are included.

FOREIGN-LANGUAGE REFERENCES

A concise explanation of the relevance of each listed reference not in the English language follows:

French Patent Document No. 2405705 – This document appears to disclose a bone fixation device, as illustrated in the figures.

French Patent Document No. 2406429 – This document appears to disclose a bone fixation device, as illustrated in the figures.

Soviet Union Patent Document No. 862937 – This document appears to disclose a bone fixation device, as illustrated in the figures.

Soviet Union Patent Document No. 1049054 – This document appears to disclose a bone fixation device, as illustrated in the figures.

Soviet Union Patent Document No. 1223901 – This document appears to disclose a bone fixation device, as illustrated in the figures.

Soviet Union Patent Document No. 1225556 – This document appears to disclose a bone fixation device, as illustrated in the figures.

Soviet Union Patent Document No. 1683724 – This document appears to disclose a bone fixation device, as illustrated in the figures.

Page 2 – INFORMATION DISCLOSURE STATEMENT . . . Serial No. 10/716,719

TIMING OF DISCLOSURE / FEE INFORMATION

This Information Disclosure Statement is being filed, to the best of the undersigned's knowledge, either (1) before the mailing of a first Office action on the merits, or (2) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. § 1.114. Therefore, in accordance with 37 C.F.R. § 1.97(b), no fee or statement under 37 C.F.R. § 1.97(e) is required.

Please contact the undersigned with any questions or comments regarding this Information Disclosure Statement.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on October 1, 2004.

Renee Knight

PTO/SB/21 (09-04)

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o a collection of information unless it displays a valid OMB control number. Paperwork Reduction Act of 1995, no persons are required to respond to a Application Number 10/716,719 **TRANSMITTAL** Filing Date November 19, 2003 First Named Inventor **FORM** Randall J. Huebner Art Unit 3732 **Examiner Name**

Attorney Docket Number

(to be used for all correspondence after initial filing)

David A. Bonderer

Tota	Number of Pages in This Submission	23+	Attorney Docket Number	ACM 3	53
		ENCI	OSURES (Check	all that anni	d
	Fee Transmittal Form Fee Attached Amendment/Reply After Final Affidavits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statement Certified Copy of Priority Document(s) Reply to Missing Parts/		Drawing(s) Licensing-related Papers Petition Petition to Convert to a Provisional Application Power of Attorney, Revoca Change of Correspondence Terminal Disclaimer Request for Refund CD, Number of CD(s) Landscape Table on	e Address	After Allowance Communication to TC Appeal Communication to Board of Appeals and Interferences Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Proprietary Information Status Letter Other Enclosure(s) (please Identify below): 1. Form PTO-1449 (19 pages) 2. Foreign Patent Documents (35) 3. Other Documents (40)
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Signatu	ire James R. a	0			V-V-
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Date	october 1, 2004			Reg. No.	42,253
I hereby	y certify that this correspondence is b	eing facsir	CATE OF TRANSMIS	TO or depos	sited with the United States Postal Service with
the date Signatu	e shown below:	10 -	7	for Patents, f	P.O. Box 1450, Alexandria, VA 22313-1450 on
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PORM PTO-1	449		DOCKET NUMBER ACM 353			CATI 16,7	ON NUME 19	BER		
	ORMATION DISC ATION IN AN APPI		APPLICANT(S) Randall J. Huebner et al.							
			FILING DATE November 19, 200	FILING DATE GROUP ART UNIT November 19, 2003 3732						
		U.S. PAT	ENT DOCUMENTS	5						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME		CLASS			FIL. DATE F APPROP.		
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	869,697	10/29/07	Eilhauer et al.							
	1,105,105	7/28/14	Sherman							
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			FILING DATE November 19, 20	GROU. 3732		ΓUNIT					
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	3,025,853	3/20/62	Mason								
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	3,866,458	2/18/75	Wagner								
	3,900,025	8/19/75	Barnes, Jr.								
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	A Comparison of Beaupre et al., Jo	f Unicortical and B urnal of Orthopaed	icortical End Screw Atta ic Trauma, Vol. 6, No. 3	achmen 3, pp. 29	of Frac 94-300, 1	ture l 1992.	Fixation P	lates,			
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	3,939,497	2/24/76	Heimke et al.							
	3,965,720	6/29/76	Goodwin eta l.							
	4,187,840	2/12/80	Watanabe					<u>-</u>		
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	4,201,215	5/6/80	Crossett et al.							
	4,364,382	12/21/82	Mennen							
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	4,565,192	1/21/86	Shapiro					•		
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	4,736,737	4/12/88	Fargie et al.							
	4,743,261	5/10/88	Epinette							
	4,750,481	6/14/88	Reese							
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	4,903,691	2/27/90	Н	einl		•				
	4,926,847	5/22/90	Lı	ıckman						
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	4,966,599	10/30/90	Pollock								
	4,973,332	11/27/90	Kummer								
	4,988,350	1/29/91	Herzberg								
	5,002,544	3/26/91	Klaue et al.		-						
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	5,042,983	8/27/91	Rayhack								
	5,049,149	9/17/91	Schmidt								
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	2674118	9/25/92	France				XX				
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li .	ORMATION DISCL ATION IN AN APPL		APPLICANT(S) Randall J. Huebner et al.							
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	5,807,396	9/15/98	Raveh					
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	DOCUMENT NUMBER	DATE	COUNTRY	CLA		SUB CLASS	TRAN YES	ISLATION NO
	1192806	11/23/85	Soviet Union				XX	
	1223901	4/15/86	Soviet Union					XX
		OTHE	R DOCUMENTS					
	Titanium Wire I Titanimplantate	Plate Osteosynthesis AG, print date Febr	System According to I uary 6, 2003.	Or. Gahr	interne	t print	out, Eroth	itan
	Bilder internet p	printout, Martin Gm	bH & Co. KG, print dat	e Septer	nber 5,	2003.		
	International Se 2003.	arch Report for PCI	Patent Application Ser	rial No.	PCT/U	503/22	904, Dece	mber 4,
EXAMINER			DATE CONSIDERED					

FORM PTO-1	449	DOCKET NUMBER APPLICATION NUMBER ACM 353 10/716,719							
	ORMATION DISC ATION IN AN APP		APPLICANT(S) Randall J. Huebner et al.						
			FILING DATE GROUP ART UNIT November 19, 2003 3732						
		U.S. PAT	ENT DOCUMENTS	5					
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME		CLASS		JB ASS	FIL. DATE IF APPROP.	
	5,810,823	9/22/98	Klaue et al.						
	5,810,824	9/22/98	Chan						
	5,853,413	12/29/98	Carter et al.						
	5,855,580	1/5/99	Kreidler et al.						
	5,871,548	. 2/16/99	Sanders et al.						
	5,879,389	3/9/99	Koshino						
	5,916,216	6/29/99	DeSatnick et al.						
	5,904,683	5/18/99	Pohndorf et al.						
	5,919,195	7/6/99	Wilson et al.						
	5,931,839	8/3/99	Medoff						
	5,938,664	8/17/99	Winquist et al.					<u> </u>	
		FOREIGN P	ATENT DOCUMEN	√TS					
	DOCUMENT NUMBER	DATE	COUNTRY	CLAS		UB .ASS	TRAN YES	ISLATION NO	
	1225556	4/23/86	Soviet Union					XX	
	1544406	2/23/90	Soviet Union				XX		
		OTHE	R DOCUMENTS						
	The Use of a Lo	ocking Custom Conta	pured Blade Plate for Per pp. 111-116, 2003.	ri-Articu	lar Noi	ıunio	ns, Harve	y et al.,	
	Salvage of Dist	al Tibia Metaphysea aedics and Related R	el Nonunions With the 90 desearch, No. 409, pp. 24	° <i>Cannu</i> 1-249, 2	ated Bi	lade F	Plate, Chi	n et al.,	
	Rib Securing C	lamped Plate interne	t printout, Sanatmetal, pr	rint date	Septem	ber 2	2, 2004.		
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	ORMATION DISCL ATION IN AN APPL		APPLICANT(S) Randall J. Huebner et al.						
			FILING DATE GROUP ART UNIT November 19, 2003 3732						
		U.S. PAT	ENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CL			FIL. DATE F APPROP.		
	5,941,878	8/24/99	Medoff						
	5,954,722	9/22/99	Bono						
	5,964,763	10/12/99	Incavo et al.						
	5,973,223	10/26/99	Tellman et al.						
	6,001,099	12/14/99	Huebner		. = -				
	6,004,323	12/21/99	Park et al.						
	6,069,040	8/1/00	Esser						
	6,077,266	6/20/00	Medoff						
	6,096,040	8/1/00	Esser				<u> </u>		
	6,117,160	9/12/00	Bonutti						
	6,139,548	10/31/00	Errico						
		FOREIGN P	ATENT DOCUMENT	rs .					
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRAN YES	SLATION NO		
	1630804	2/29/91	Soviet Union			XX			
	1644932	4/30/91	Soviet Union			XX			
		OTHE	R DOCUMENTS			****			
	Acromio-Clavica	ılar Plates descripti	on page, author and date u	nknown.					
	ECT Internal Fra	cture Fixation broc	hure, Zimmer, Inc., undate	:d.					
	ECT Internal Fra	cture Fixation Syst	em order information broc	hure, Zin	nmer, Inc.	, undated.			
	NexGen Osteoto	my System (OS) su	irgical technique brochure,	Zimmer,	Inc., und	ated.			
EXAMINER			DATE CONSIDERED				- 		

FORM PTO-1	449	DOCKET NUMBER ACM 353	l l						
	ORMATION DISCL ATION IN AN APPL		APPLICANT(S) Randall J. Huebner et al.						
			FILING DATE GROUP ART UNIT November 19, 2003 3732						
	-	U.S. PAT	ENT DOCUMENTS	5			·		
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CI			IL DATE APPROP.		
	6,152,927	11/28/00	Farris et al.						
	6,179,839	1/30/01	Weiss et al.	,					
_	6,193,721	2/27/01	Michelson						
	6,228,087	5/8/01	Fenaroli et al.						
	6,235,033	5/22/01	Brace et al.						
	6,235,034	5/22/01	Bray						
	6,238,396	5/29/01	Lombardo						
i	6,258,092	7/10/01	Dall						
	6,261,291	7/17/01	Talaber et al.						
	6,273,889	8/14/01	Richelsoph						
	6,283,969	9/4/01	Grusin et al.						
		FOREIGN P.	ATENT DOCUMEN	NTS					
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANS YES	LATION NO		
	1683724	10/15/91	Soviet Union				XX		
	1711859A	2/15/92	Soviet Union			XX			
		OTHE	R DOCUMENTS						
	Spider™ and Mi undated.	ni-Spider™ Limite	d Wrist Fusion System b	rochure, K	inetics M	edical Incom	porated,		
	Spider™ Limited	d Wrist Fusion Syst	em brochure, Kinetics M	ledical Inc	orporated,	undated.			
	Zuelzer Hook Pl	ates description pag	ge, Codman & Shurtleff,	Inc., p. 80	8, undated	•			
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FORM PTO-1449			DOCKET NUMBER APPLICATION NUMBER ACM 353 10/716,719					
	ORMATION DISCL TION IN AN APPL		APPLICANT(S) Randall J. Huebner et al.					
		·	FILING DATE GROUP ART UNIT November 19, 2003 3732					
		U.S. PAT	ENT DOCUMENTS					
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	C			FIL. DATE FAPPROP.	
	6,290,703	9/18/01	Ganem					
	6,302,884	10/16/01	Wellisz et al.					
	6,302,887	10/16/01	Spranza et al.					
	6,306,136	10/23/01	Baccelli					
	6,312,431	-11/6/01	Asfora	-				
	6,315,779	11/13/01	Morrison et al.					
	6,322,562	11/27/01	Wolter					
	6,325,803	12/4/01	Schumacher et al.					
	6,331,179	12/18/01	Freid et al.					
	6,336,927	1/8/02	Rogozinski					
	6,338,734	1/15/02	Burke et al.					
		FOREIGN PA	ATENT DOCUMENT	ΓS				
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANS YES	SLATION NO	
	1734715A1	5/23/92	Soviet Union			XX		
	611 147	5/31/79	Switzerland			XX		
		OTHER	R DOCUMENTS					
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EXAMINER			DATE CONSIDERED					

FORM PTO-1449			DOCKET NUMBER APPLICATION NUMBER 10/716,719						
	ORMATION DISCL ATION IN AN APPL		APPLICANT(S) Randall J. Huebner et al.						
			FILING DATE GROUP ART UNIT November 19, 2003 3732						
:		U.S. PAT	ENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CL			FIL. DATE F APPROP.		
. =	6,342,055	1/29/02	Eisermann et al.						
	6,342,075	1/29/02	MacArthur						
	6,355,036	3/12/02	Nakajima						
	6,355,042	3/12/02	Winquist						
	6,364,881	4/2/02	Apgar et al.						
	6,364,883	4/2/02	Santilli						
	6,379,354	4/30/02	Rogozinski						
	6,402,756	6/11/02	Ralph et al.						
	6,413,259	7/2/02	Lyons et al.						
	6,428,542	8/6/02	Michelson						
	6,436,103	8/20/02	Suddaby						
		FOREIGN P	ATENT DOCUMEN	TS		-,			
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRAN YES	SLATION NO		
	2245498	1/8/92	United Kingdom			XX			
	WO82/01645	5/27/82	WIPO			XX			
		OTHE	R DOCUMENTS						
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FORM PTO-1	449		DOCKET NUM ACM 353	BER	APPLICATION NUMBER 10/716,719				
I	ORMATION DISCL ATION IN AN APPL		APPLICANT(S) Randall J. Huebner et al.						
				FILING DATE GROUP ART UNIT November 19, 2003 3732					
		U.S. PAT	ENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAM	E	CL		SUB CLASS	FIL. D	
	6,440,135	8/27/02	Orbay et al.						
	6,454,769	9/24/02	Wagner et al	•					
	6,454,770	9/24/02	Klaue						
	6,458,133	10/1/02	Lin						
	6,514,274	2/4/03	Boucher et a	1.			,		
	6,520,965	2/18/03	Chervitz et a	ıl.				-	
	6,533,789	3/18/03	Hall, IV et al	l					
	6,565,570	5/20/03	Sterett et al.						
	6,623,486	9/23/03	Weaver et al	•					
	6,682,531	1/27/04	Winquist et a	al.					
	6,682,533	1/27/04	Dinsdale et a	ıl.					
		FOREIGN P	ATENT DOC	UMENT	ΓS				
	DOCUMENT NUMBER	DATE	COUNTI	RY	CLASS	SUB CLASS	YES TRA	ANSLAT	NOI NO
	WO87/02572	5/7/87	WIPO				XX		
	WO88/03781	6/2/88	WIPO				XX		
		OTHE	R DOCUMEN	TS		-		•	-
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FORM PTO-1	FORM PTO-1449			DOCKET NUMBER APPLICATION NUMBER ACM 353 10/716,719						
	ORMATION DISCLO ATION IN AN APPLI		APPLICANT(S) Randall J. Huebner et al.							
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		U.S. PAT	ΈN	T DOCUMENTS						
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	6,712,820	3/30/04	0	rbay						
	6,736,819	5/18/04	T	pirneni						
	2001/0011172	8/2/01	О	rbay et al.						
	2002/0032446	3/14/02	О	rbay						
	2002/0055741	5/9/02-	So	chlapfer et al.		-				
	2002/0143336	10/3/02	Н	earn		*				
	2002/0147453	10/10/02	G	ambale						
	2002/0156474	10/24/02	W	ack et al.						
	2003/0055429	3/20/03	Ip	et al.						
	2003/0105461	6/5/03	Pı	ıtnam						
	2003/0153918	8/14/03	Pı	ıtnam et al.						
		FOREIGN P	ATI	ENT DOCUMENT	ΓS					
	DOCUMENT NUMBER	DATE		COUNTRY	CLAS	-	SUB CLASS	TR YES	ANSI	ATION NO
	WO96/29948	10/3/96	W	TPO				XX		
		OTHE	R D	OCUMENTS		,	-			
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FORM PTO-14	449	DOCKET NUMBER APPLICATION NUMBER ACM 353 10/716,719					ER	
i	ORMATION DISCLO ATION IN AN APPLI		APPLICANT(S) Randall J. Huebner et al.					
			FILING DATE GROUP ART UNIT November 19, 2003 3732					
	•	U.S. PAT	ENT DOCUMENTS	S				
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME		CLASS	SU CL/		L. DATE APPROP.
	2003/0233093	12/18/03	Moles et al.					
	Re. 31,628	7/10/84	Allgower et al.					
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		FOREIGN PA	ATENT DOCUMEN	NTS				
	DOCUMENT NUMBER	DATE	COUNTRY	CLAS		UB ASS	TRANSI YES	LATION NO
		ОТНЕ	R DOCUMENTS		<u> </u>			
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